

Congress of the United States
House of Representatives
Washington, DC 20515

May 8, 2018

President Donald Trump
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear President Trump:

While there is a wide range of views on trade among Democrats and Republicans alike, there is broad agreement that major improvements in the North American Free Trade Agreement (NAFTA) could benefit American workers, farmers, and businesses. However, it is imperative that we get the policy right, and that requires a full understanding and discussion of all the relevant provisions. As active members of the Ways and Means Subcommittee on Trade, we write to express our concerns about reports of your Administration's attempt to finalize a renegotiated NAFTA – in particular attempting to force Congressional action through the threat of withdrawal – could jeopardize such a process. Further, such a strategy would subvert what ought to be a bipartisan effort to help raise wages and create jobs both here at home and across North America. A new NAFTA should pass Congress based on its merits and not on the threat of withdrawing from the existing agreement.

The power to regulate commerce with foreign nations is one given by the Founding Fathers directly to Congress. Over the past century, as global trade has grown more interconnected, Congress has delegated a number of these authorities to the Executive with statutory oversight. For example, Trade Promotion Authority is time limited and sets out obligations for the Administration to consult with Congress before, during, and after the completion of any trade agreement. This process illustrates that while Congress has delegated negotiating authority to the President, the constitutional power over foreign commerce remains with Congress. To that end, we write to express extreme concern over reporting that your Administration is considering sending up to Congress a preliminary and incomplete NAFTA renegotiation based on "principles." It is also reported that a threat to withdraw from the underlying agreement would follow, should Congress not accept the changes made by your Administration. This anxiety is compounded by incomplete information sharing with both the House Ways and Means Committee and the House Advisory Group on Negotiations.

It is our view that using withdrawal to force Congress to act on a potentially flawed new NAFTA is a violation of the delicate balance between the executive and legislative branches carefully crafted over decades – and a false choice. The authority over foreign commerce lies with Congress and any decision

to change U.S. law – no matter the subject – must pass both the House and the Senate. Any attempt to hold Congress hostage would threaten your Administration's negotiating authority and only serve to sow chaos in the U.S. economy.

We urge you to reconsider this tactic and instead work cooperatively with members of both parties in Congress to come to a resolution that effectively addresses critical issues and is capable of receiving majority support in both Chambers on its merits.

Sincerely,



SANDER M. LEVIN
Member of Congress



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Member of Congress

CC: Robert E. Lighthizer, United States Trade Representative
Larry Kudlow, Director of the National Economic Council